

BOARD OF ZONING APPEALS

MINUTES

6:30 PM

August 21, 2013

City Council Chambers

MEMBERS PRESENT: Leanne Cardoso, Bernie Bossio, Tom Shamberger, George Papandreas, and Jim Shaffer

MEMBERS ABSENT: None.

STAFF: Christopher Fletcher, AICP

I. CALL TO ORDER AND ROLL CALL: Bossio called the meeting to order at 6:30 PM and read the standard explanation of the how the Board conducts business and rules for public comments.

II. MATTERS OF BUSINESS:

A. Minutes for the June 19, 2013 Hearing. Papandreas moved to approve as presented; seconded by Shaffer. Motion carried unanimously.

B. Minutes for the July 17, 2013 Hearing. Papandreas moved to approve as presented; seconded by Shamberger. Motion carried 3-0 with Bossio and Shaffer abstaining due to their absence at the July 17th hearing.

III. OLD BUSINESS:

A. V11-48 / Jim Prete / 3040 University Avenue: Request by Rudy Hoffert of City Neon, on behalf of Jim Prete, for an amendment to a previously approved variance petition relating to signage at 3040 University Avenue; Tax Map 6, Parcel 13; B-2, Service Business District.

Bossio recused himself from Case No. V11-48 due to previously conducting business with the petitioner. Bossio left Council Chambers with Cardoso taking the chair position.

Fletcher read the Staff Report stating that on 22-Dec-2011, the Board approved variance relief to erect two (2) multi-tenant post-and-panel signs at each of the two (2) primary driveway entrances from University Avenue into the *Prete Building* site. The following table identifies the extent of the variances granted from the maximum height and maximum area standards. [see table and illustrations in staff report]

On 16-Jan-2013, the Board approved the petitioner's request for an extension under Article 1381.05 of the City's Planning and Zoning Code so that the expiration date of the subject variance approval expired on 21-June-2013. The petitioner fulfilled this obligation by applying for a building permit prior to the noted date.

As noted in Staff's 22-Dec-2011 Staff Report, the *Prete Building* has been predominantly occupied over the years by West Virginia University related offices, services, and programming.

As such, commercial messaging for tenants has not been necessary. However, most of these WVU related uses have begun relocating to other sites as a part of the University's ongoing facility upgrades and new construction. Therefore, the present demand for multi-tenant signage is logical.

Staff met with Mr. Prete on 15-Jul-2013 and learned that market interest in the *Prete Building* is shifting from institutional and professional services uses to a mix of professional services, personal services, and retail-type uses.

According to the petitioner, a more effective method for future tenants to message their location to passersby will be through one multi-tenant post-and-panel sign rather than the two post-and-panel signs approved by the Board. The following graphic illustrates the locations of the two approved ground signs and the location of the one proposed ground sign. [see illustration in Staff report]

The proposed post-and-panel sign will include two additional rows of two 18" X 48" flat face tenant panels in each row, which, according to the petitioner, will eliminate the need for the second post-and-panel sign.

The following table illustrates the difference in area and associated variance relief between the two approved signs and the one proposed sign. [see table in Staff report]

Although the total area and overall extent of requisite variance relief granted will decrease significantly with the elimination of one of the approved post-and-panel signs, the proposed sign requires an amendment to the approved area variance from 56.5 square feet to 80.5 square feet.

To ensure the proposed sign maintains sufficient ground clearance given the two additional rows of flat face tenant panels, the petitioner seeks to increase the overall height of the sign by three (3) feet, which requires an amendment to the approved height variance from 12.7 feet to 15.7 feet.

Article 1369.07(F)(2) provides that, both sides of a two-sided post-and-panel sign shall be identical in design and content.

In addition to the noted variance approval amendments relating to sign area and height, the petitioner also seeks an amendment that would allow the proposed post-and-panel sign to be different on each side. According to the petitioner, the following circumstances address the merits of this amendment request:

- The two primary driveway entrances to the *Prete Building* access two different levels of the building. Specifically, driveway closest to Koontz Avenue and related parking lot are situated at the building's first or lowest level while the driveway entrances north of the *Prete Building* are situated at the building's second level.
- The new location of the proposed sign is generally centered at the building's frontage along University Avenue rather than at one of the site's primary driveway entrances.
- Depending on tenant location, different sign faces on either side should serve to assist in directing visitors to the appropriate level of the site for the purposes of parking and then entering the building to access the related tenant.

- The total number of 18" X 48" tenant panels between the two approved signs is 24, given that both sides of each sign must be identical. The total number of 18" X 48" tenant panels for the one proposed post-and-panel sign is 16 if both sides of the sign conform to "identical in design and content" standard. However, if the Board amends the approved variance by relieving the petitioner from said standard, the total number of tenant panels increases from 16 to 32, which will aid in supporting tenant space and messaging needs in a building that exceeds 160,000 square feet of gross floor area.

Although the matter before the Board is a request to amend its 22-Dec-2011 approval of V11-48, Staff recommends that the Board, as it customarily does for approval amendment requests, hear public comments.

Cardoso recognized Michelle Boyers of City Neon, who explained the request is for an additional three feet to the current sign height.

There being no comments or questions by the Board, Cardoso asked if anyone was present to speak in favor of or in opposition to the request. There being none, Cardoso declared the public hearing closed and asked for Staff recommendations.

Fletcher stated that Staff recommends the Board amend the findings of fact accepted in its 22-Dec-2013 approval of Case No. V11-48 as follows (deleted matter struck through; new matter underlined).

Papandreas made a motion to find in the affirmative for all the Findings of Facts for V11-48 as revised by Staff; seconded by Shaffer. Motion carried unanimously.

NOTE: The following Findings of Fact were included in the motion.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The subject site is situated in a heavily traveled corridor where the predominant commercial signage and messaging patterns exceed the maximum height and area standards set forth in the Planning and Zoning Code. Compliance with said maximum standards may result in a competitive disadvantage for tenants occupying the uniquely large professional office building. Additionally, the approximate six-foot clearance between grade and the lowest horizontal plain or bottom of the sign appears necessary to preserve safe visibility for exiting vehicles. Further, the site's two primary driveway entrances from University Avenue access two different levels. Restricting both sides of the two-sided post-and-panel sign to be identical in design and content hinders tenant location messaging in a manner that would otherwise assist in directing visitors to the appropriate level of the site for the purposes of parking and then entering the building at the desired level.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that the majority of commercial signs within the vicinity of the Prete Building, particularly those serving multi-tenant developments, are nonconforming as all do not meet maximum area and maximum height standards set forth in Article 1369 of the Planning and Zoning Code.

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The height and area of the proposed multi-tenant sign appears to be consistent with the predominant commercial signage within the vicinity of the Prete Building, which do not presently appear to harm public welfare, adjoining properties, or improvements. Additionally, the approximate six-foot clearance between grade and the lowest horizontal plain or bottom of the sign appears necessary to preserve safe visibility for exiting vehicles. Granting relief from the restriction that both sides of the proposed two-sided post-and-panel sign be identical in design and content should serve to assist in directing visitors to the appropriate level of the site for the purposes of parking and then entering the building at the desired level thereby promoting efficient and effective access from University Avenue.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The height and area of the proposed multi-tenant sign appears to be consistent with the predominant commercial signage patterns within the vicinity of the Prete Building, which do not appear to diminish the market value or vitality of the well-established commercial corridor. Variance relief relative to sign height and area cannot contribute to nor mitigate existing traffic volumes on neighboring streets. Eliminating one of the approved nonconforming ground signs should serve to reduce sign clutter within the commercial corridor.

Shaffer moved to amend V11-48 as requested with Staff recommended conditions; seconded by Papandreas. Motion carried unanimously.

Cardoso reminded Ms. Boyers that the Board's decision can be appealed to Circuit Court within thirty days of receiving written notification from the Planning Department and that any work related to the Board's decision during this period would be at the sole financial risk of the petitioner.

Bossio re-entered Council Chambers and returned to the Chair's position.

IV. NEW BUSINESS:

- A. **V13-35 / Panera Bread Bakery / 407 Willey Street**: Request by Gregory Spon, on behalf of Covelli Enterprises, LLC, for variance relief from Article 1369 as it relates to signage at 407 Willey Street; Tax Map 26, Parcel 120; B-4, General Business District.

Fletcher read the Staff report stating the petitioner seeks to erect two (2) wall signs and two (2) suspended signs on the *Panera Bread Bakery* currently under construction at 407 Willey Street. Addendum A of this report illustrates the location of the subject site.

Wall Signs

Article 1369.07(l)(1) provides that the maximum area for wall signs in the B-4 District is determined by multiplying the storefront width in feet by 0.4. The storefront width of *Panera Bread Bakery* is planned to be approximately 43.25 feet, which results in a maximum wall sign area standard of 17.3 square feet.

The following table summarizes the current proposed wall signs along with the areas of the initial proposed sign plan reviewed by Staff to demonstrate changes made by the petitioner to reduce the extent of requisite variances. [See Staff Report for tables and illustrations]

Suspended Signs

Article 1369.07(G)(1) provides that the maximum area for suspended signs is six (6) square feet. Additionally, Article 1369.07(G)(4) permits only one suspended sign by any one tenant.

The following table summarizes the current proposed suspended signs along with the areas of the initial proposed sign plan reviewed by Staff to demonstrate changes made by the petitioner to reduce the extent of requisite variances.

The proposed master sign plan requires the following variance relief:

- A. A 40.72 square foot variance from the maximum wall sign area standard;
- B. A variance from the maximum number of suspended signs permitted for one tenant; and,

A 2.13 square foot variance from the maximum suspended sign area standard for each of the proposed suspended signs (total 4.26 square foot variance).

Bossio recognized Gregory Spon, AIA of Phillips Sekanick Architects, who explained he had been working with Mr. Fletcher to reduce the corporate trade dress and signage to comply with the regulations and standards.

There being no comments or questions by the Board, Bossio asked if anyone was present to speak in favor of or in opposition to the request. There being none, Bossio declared the public hearing closed and asked for Staff recommendations.

Fletcher stated that the Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant.

Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

Should the Board grant variance relief, Staff recommends that the following conditions be included:

1. That the faces of the wall and suspended signs for which variance relief is granted herein shall be opaque and may not be internally illuminated.
2. That the wall and suspended signs for which variance relief is granted herein shall be made of wood, sculpted "sign foam", ornamental metals (such as bronze, brass, copper, etc.), painted aluminum panels, stone, or masonry (with concrete blocks being covered with stucco).
3. That the wall and suspended signs for which variance relief is granted herein shall be restricted to the name and logo of the business establishment and no other copy shall be permitted.
4. That, with the exception of address, no additional signage, commercial messaging, or copy may be affixed to the exterior or interior surface of any door

or window glazing without first obtaining additional variance relief approval from the Board of Zoning Appeals.

Bossio asked Fletcher how Panera would be different from the variance requested for Tudor's Biscuit World. Fletcher explained that the Tudor's variance included a wall area on an awning and did not include suspended signs. Fletcher could not recall the extent of the variance relief granted for the Tudor's sign.

Shamberger explained the size was reduced for Tudor's because signage was proposed on both sides and on top of the awning.

Papandreas made a motion to find in the affirmative for all the Findings of Facts for V13-35 as revised by Staff; seconded by Shamberger. Motion carried unanimously.

NOTE: The following Findings of Fact were included in the motion.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The *Panera Bread Bakery* location is at the corner of Willey Street and North Spruce Street, which creates multiple pedestrian and vehicular directional approaches. Having multiple directional approaches at the intersection appears to create unique commercial messaging challenges and opportunities; particularly within the downtown central business district. Specifically, pedestrian approaches will come from Prospect Street and North High Street to the north; from High Street to the south; and, from along Willey Street to the east and west. Vehicular approaches will come from the north along North High Street and from the east and west from Willey Street. Additionally, the establishment will have two entrances; a front entrance on Willey Street and a side accessible entrance on North High Street.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There are other signs within the B-4 District that exceed the maximum area standards for both wall signs and suspended signs, some of which have obtained variance relief from the Board including, but not limited to, *Tudor's Biscuit World* (wall sign under Case No. V12-40) and *Joe Mama's* (suspended sign under Case No. V13-16).

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed master signage plan for *Panera Bread Bakery* appears to be consistent with similar suspended and wall signage along High Street and within the downtown central business district.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion and will not alter the existing land use characteristics of the downtown commercial district.

Papandreas moved to approve V13-35 as requested with Staff recommended conditions; seconded by Shaffer. Motion carried unanimously.

Bossio reminded Mr. Spon that the Board's decision can be appealed to Circuit Court within thirty days of receiving written notification from the Planning Department and that any work related to the Board's decision during this period would be at the sole financial risk of the petitioner.

- B. V13-39 / RE Michel / 1959 Hunters Way:** Request by Robert E. DeRiggi of J.D. Signs, Inc., on behalf of RE Michel, for variance relief from Article 1369 as it relates to signage at 1959 Hunters Way; Tax Map 44, Part of Parcel 34; B-2, Service Business District.

Fletcher read the Staff Report stating that the petitioner seeks to erect a post-and-panel sign for *RE Michel* in Sabraton along Earl Core Road. Addendum A of this report illustrates the location of the subject site.

The following table identifies the area and height standards for post-and-panel signs provided in Article 1369.07(F) along with the proposed dimensions and associated variances requested by the petitioner. [See staff report for table]

The petitioner has agreed to reduce the area of the sign face from 8 feet by 10 feet to 6.5 feet by 10 feet, which will reduce the extent of the requisite sign area variance from 48 square feet to 33 square feet. Plans for both signs are included in the exhibits submitted by the petitioner.

Bossio recognized the petitioner's representative, Bob DeRiggi of J.D. Signs, who explained that the variance request is for a twenty-two foot tall overall elevation and a 6.5 foot X 10 foot panel for RE Michel. The building currently has a sign that is hard to see from the interstate exit. The proposed sign would aid motorists in locating the business.

There being no further comments or questions by the Board, Bossio opened the public hearing asking if anyone was present to speak in favor of or in opposition to the request. There being none, Bossio declared the public hearing closed and asked for Staff recommendations.

Fletcher stated that one of the stated purposes within the Planning and Zoning Code for sign regulations is to:

“...encourage the effective use of signs as a means of communication in the City, to maintain and enhance the pleasing look of the City, which attracts to the City continued economic investment; to preserve Morgantown as a community that is attractive to business, to residents and to visitors...” [Article 1369.01(A)]

Size restrictions are one of several means to accomplish this policy objective.

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the “Findings of Fact” submitted by the applicant.

Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

The Board has granted similar ground sign area and height variances along the Earl Core Road commercial corridor including:

- V13-01 MVB Bank ground sign area (64 sq. ft. variance) and height (17.83 ft. variance).
- V11-45 L.H. Jones ground sign area (82.2 sq. ft. variance) and height (18 ft. variance).
- V11-33 Walgreens wall ground sign area (43 sq. ft. variance) and height (9 ft. variance).
- V11-15 Sterling Commons ground sign area (111.5 sq. ft. variance) and height (21 ft. variance).
- V10-29 Auto Zone ground sign area (41.63 sq. ft. variance) and height (21 ft. variance).

Staff recommends that should the Board grant variance relief for the proposed post-and-panel sign, the variance approval to exceed the related maximum area standard be a 33 square foot variance as agreed to by the petitioner rather than the 48 square foot variance initially requested.

Shamberger made a motion to find in the affirmative for all the Findings of Facts for V13-39 as amended by Staff; seconded by Papandreas. Motion carried unanimously.

NOTE: The following Findings of Fact were included in the motion.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The subject property is located near the I-68 Exit and situated along one of the 5 major Morgantown arteries. According to the petitioner's submitted exhibits, the site is exposed to approximately 13,000 daily vehicles. Several businesses within the corridor appear to have similar signage in comparison to that being proposed. The site also sits below the grade of Earl Core Road.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of ground signs within the Earl Core Road commercial corridor that exceed the maximum area and height standards. Additionally, the BZA has granted similar relief within the immediate area since the sign standards were revised in the 2006 major zoning ordinance amendment.

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The natural design of a typical post and panel on premise sign with adequate grade clearance allows for uninterrupted visibility between columns for passing traffic and should not negate the use of future development of adjacent business sites.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

With the approved business use of the site, along with the comparable requested sign, additional traffic congestion would not be expected any more than that presently created by the now commuting and existing adjacent nearby business community.

Papandreas moved to approve V13-39 as presented; seconded by Shaffer. Motion carried unanimously.

Bossio reminded Mr. DeRiggi that the Board's decision can be appealed to Circuit Court within thirty days after receiving written notification from the Planning Department and that any work related to the Board's decision during this period would be at the sole financial risk of the petitioner.

- C. V13-41 / Doughnut Joe's LLC / 1899 Earl Core Road:** Request by Joe DeFazio, on behalf of Doughnut Joe's, LLC (d/b/a Dunkin' Donuts), for variance relief from Article 1369 as it relates to signage at 1899 Earl Core Road; Tax Map 33, Parcel 52; B-2, Service Business District.

Fletcher read the Staff Report stating the petitioner seeks to erect nine (9) wall signs and two (2) ground signs on the *Dunkin Donuts* currently at 1899 Earl Core Road. Addendum A of this report illustrates the location of the subject site.

Staff prepared a master sign plan schedule summarizing the subject 11 signs to assist the petitioner in submitting the present variance application, which is included as a cover page to the several emails and photographs submitted by the petitioner.

Article 1369.07(I)(1) provides that the maximum area for wall signs in the B-2 District is determined by multiplying the storefront width in feet by 0.6. The storefront width of *Dunkin Donuts* is approximately 44.5 feet, which results in a maximum wall sign area standard of 26.7 square feet. The master sign plan schedule summarizes a total wall sign area of 95.76 square feet for the nine (9) signs, which requires a 69.06 square foot variance.

Article 1369.07(F)(1)(a) provides that post and panel signs shall not exceed 6 feet in height. The petitioner seeks to utilize the structural components of the existing post-and-panel sign facility that was used for the former Exxon gas station. The subject facility is approximately 30 feet in height, which requires a 24-foot variance.

Article 1369.07(F) (1)(b) provides that post-and-panel signs shall not exceed 32 square feet in area per side. The proposed post-and-panel sign is 42 square feet in area, which requires a 10-foot variance.

Bossio recognized Joe DeFazio of Monongah, WV, who stated the requested signage is standard for the Dunkin brand and will make the store have a better curb appeal.

There being no comments or questions by the Board, Bossio opened the public hearing asking if anyone was present to speak in favor of or in opposition to the request. There being no further public comments, Bossio declared the public hearing closed and asked for Staff recommendations.

Fletcher identified that one of the stated purposes within the Planning and Zoning Code for sign regulations is to:

“...encourage the effective use of signs as a means of communication in the City, to maintain and enhance the pleasing look of the City, which attracts to the City continued economic investment; to preserve Morgantown as a community that is attractive to business, to residents and to visitors...” [Article 1369.01(A)]

Size restrictions are one of several means to accomplish this policy objective.

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the “Findings of Fact” submitted by the applicant.

Addendum B of this report provides Staff recommended revisions to the petitioner’s findings of fact (deleted matter struck through; new matter underlined).

The Board has granted similar wall sign area variances and ground sign area and height variances along the Earl Core Road commercial corridor including:

- V13-01..... MVB Bank ground sign area (64 sq. ft. variance) and height (17.83 ft. variance).
- V11-45..... L.H. Jones ground sign area (82.2 sq. ft. variance) and height (18 ft. variance).
- V11-33..... Walgreens wall sign area (202.4 sq. ft. variance) and ground sign area (43 sq. ft. variance) and height (9 ft. variance).
- V11-15..... Sterling Commons ground sign area (111.5 sq. ft. variance) and height (21 ft. variance).
- V10-29..... Auto Zone wall sign area (149.74 sq. ft. variance) and ground sign area (41.63 sq. ft. variance) and height (21 ft. variance).

Fletcher noted to the Board that an email in favor of the request by Andrew Smith was included in the meeting packet.

Fletcher stated that the Board of Zoning Appeals must determine whether the proposed requests meet the standard criteria for a variance by reaching a positive determination for *each* of the “Findings of Fact” submitted by the applicant. Addendum B of this report provides Staff recommended revisions to the petitioner’s findings of fact (deleted matter struck through; new matter underlined).

Papandreas made a motion to find in the affirmative for V13-41 for all the Findings of Facts as revised by Staff; seconded by Shaffer. Motion carried unanimously.

NOTE: The following Findings of Fact were included in the motion.

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

According to the MPO, the traffic volume at the Earl Core Road and Eljadid Street intersection was 23,178 on 10-Apr-2013. The storefront is approximately 140 feet from the Earl Core Road center roadway line.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of wall signs and ground signs within the Earl Core Road commercial corridor that exceed the maximum area and height standards. Additionally, the BZA has granted similar relief within the immediate area since the sign standards were revised in the 2006 major zoning ordinance amendment.

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The location and height of the existing post-and-panel sign appears to have been in place for several years with no appreciable harm to public welfare, public or private improvements, or the built environment.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The improved land use of the site along with the requested signage should not contribute to additional traffic congestion any more than the present businesses located along the same commercial corridor. With the land use being similar to the other business within the commercial corridor, along with the requested signage type, size, and design being characteristic of neighboring signs within the B-2 District, adverse impacts to market value of the subject or neighboring properties, improvements, or uses are not anticipated.

Papandreas moved to approve V13-41 as requested; seconded by Papandreas. Motion carried unanimously.

Bossio reminded Mr. DeFazio that the Board's decision can be appealed to Circuit Court within thirty days after receiving written notification from the Planning Department and that any work related to the Board's decision during this period would be at the sole financial risk of the petitioner.

Bossio noted that Agenda Item E had been withdrawn by the petitioner and Agenda Items F – K had been postponed.

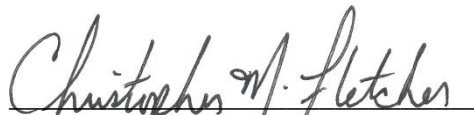
V. ANNOUNCEMENTS: None.

VI. ADJOURNMENT: 7:00 PM

MINUTES APPROVED:

September 18, 2013

BOARD SECRETARY:


Christopher M. Fletcher, AICP